



Senate Fiscal Agency
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Senate Bill 674 (as enacted)
House Bills 5591 and 5592 (as enacted)
Sponsor: Senator Rebekah Warren (S.B. 674)
Representative Amanda Price (H.B. 5591)
Representative Lisa Posthumus Lyons (H.B. 5592)
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 197 of 2014
PUBLIC ACTS 198 & 199 of 2014

Date Completed: 3-5-15

CONTENT

Senate Bill 674 created the "Breastfeeding Antidiscrimination Act" to do the following:

- Prohibit the denial of full and equal enjoyment of a place of public accommodation or public service to a woman because she is breastfeeding.
- Prohibit the publication of a statement or notice indicating that a woman's full enjoyment of a place of public accommodation or public service will be refused, or that her patronage or presence will be unwelcome, because she is breastfeeding.
- Establish a civil remedy for a violation of the Act.

House Bills 5591 and 5592 amended the Michigan Penal Code to specify that breastfeeding or expressing breast milk do not constitute indecent exposure or disorderly conduct.

The bills took effect on June 24, 2014.

Senate Bill 674

Prohibitions

Except where expressly permitted by State or Federal statute, or a regulation promulgated under a State or Federal statute, the Act prohibits a person with control over a public accommodation or public service from denying the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service to a woman because she is breastfeeding a child. Such a person also may not print, circulate, post, mail, or otherwise cause to be published, a statement, advertisement, notice, or sign that indicates either of the following:

- That the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied a woman because she is breastfeeding a child.
- That a woman's patronage of, or presence at, a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because she is breastfeeding a child.

Civil Remedy

A person alleging a violation of the Act may bring a civil action in a court of appropriate jurisdiction for appropriate injunctive relief, actual damages, or presumed damages of \$200, or both injunctive relief and actual or presumed damages.

In addition to ordering injunctive relief and/or awarding damages, the court may award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant if the court determines that the award is appropriate.

Definitions

The Act defines "place of public accommodation" as a business, an educational institution, or a refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

"Public service" means a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of the State or a subdivision of the State, by a county, city, village, township, or independent or regional district, or by a tax-exempt private agency established to provide service to the public. The term does not include a State or county correctional facility with respect to actions or decisions regarding an individual serving a sentence of imprisonment.

House Bills 5591 & 5592

Section 335a of the Penal Code prohibits a person from knowingly making any open or indecent exposure of his or her person or of the person of another. Section 167 provides that a person is a disorderly person if he or she engages in certain activities, including indecent or obscene conduct in a public place.

House Bills 5591 and 5592 amended Sections 335a and 167, respectively, to specify that a mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct under those provisions, regardless of whether the woman's areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk.

MCL 37.231-37.233 (S.B. 674)
750.335a (H.B. 5591)
750.167 (H.B. 5592)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 674

The bill will have a minor, perhaps negligible, impact on the civil caseload of local courts. There are no data to indicate how many additional cases may result from actions brought under the Breastfeeding Antidiscrimination Act. It is unlikely that the magnitude of any potential increase will be great enough to require increased judicial resources.

House Bills 5591 & 5592

The bills will have no fiscal impact on State government. With the exceptions provided under the bills, to the extent that violations under were previously prosecuted, costs to local court systems will fall due to a reduction in caseload. Similarly, any previous penal fine revenue, dedicated to public libraries, that was derived from violations will be reduced.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.